

House Bill 5

By: Representative Cannon of the 58<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 1 of Title 34 of the Official Code of Georgia Annotated, relating to  
2 general provisions of labor and industrial relations, so as to prohibit an employer from  
3 relying upon salary history information when making certain decisions about an applicant  
4 during the hiring process; to provide for definitions; to provide for a civil right of action; to  
5 provide a short title; to provide for related matters; to repeal conflicting laws; and for other  
6 purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 This Act shall be known and may be cited as the "Georgia Prospective Employer Act."

10 **SECTION 2.**

11 Chapter 1 of Title 34 of the Official Code of Georgia Annotated, relating to general  
12 provisions of labor and industrial relations, is amended by adding a new Code section to read  
13 as follows:

14 "34-1-11.

15 (a) As used in this Code section, the term:

16 (1) 'Employer' means any natural person or entity that employs one or more employees  
17 and shall include the state and its political subdivisions and instrumentalities.

18 (2) 'Salary history' means current or prior wages, benefits, or other compensation. Such  
19 term shall not include any objective measure of productivity, such as revenue, sales, or  
20 other production reports.

21 (b) No employer shall rely on the salary history of an applicant in determining the wages,  
22 benefits, or other compensation for such applicant during the initial hiring process,  
23 including the negotiation of an employment contract. This subsection shall not apply to  
24 an internal transfer or promotion with the applicant's current employer.

25 (c) Notwithstanding any law to the contrary, any violation of subsection (b) of this Code  
26 section by an employer shall create a right of action against such employer."

27 **SECTION 3.**

28 All laws and parts of laws in conflict with this Act are repealed.